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ACTION EA-18

INFO OCT-01 SS-20 NSC-10 NSCE-00 INR-07 CIAE-00 NSAE-00
DODE-00 IO-04 UPW-01 PM-03 PRS-01 RSR-01 RSC-01 /067 W
007443

R 071135Z AUG 71
FM AMEMBASSY SAIGON
TO SECSTATE WASHDC 8378
INFO AMEMBASSY BANGKOK
CINCPAC
AMCONSUL DANANG
USDEL FRANCE
AMEMBASSY PHNOM PENH
AMEMBASSY VIENTIANE

S E C R E T SECTION 1 OF 2 SAIGON 12598

LIMDIS

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SUBJ: THE PRESIDENTIAL ELECTION: RESUME AND OUTLOOK

1. SUMMARY. IN A PRELIMINARY ACTION, SUBJECT TO APPEAL, THE SUPREME COURT STANDING COMMITTEE HAS DISALLOWED KY'S APPLICATION FOR CANDIDACY AND POSTED ONLY THE THIEU AND MINH SLATES FOR THE PRESIDENTIAL ELECTIONS. THIEU REMAINS UNMOVED. KY'S COURSE OF ACTION IS UNCERTAIN, BUT A RESORT TO FORCE APPEARS UNLIKELY. MINH ANNOUNCED THAT IN THE LIGHT OF ALLEGED HARASSMENT BY THE EXECUTIVE HE WAS RECONSIDERING HIS CANDIDACY. THE PRESENT OUTLOOK IS THAT MINH WILL REMAIN IN THE RACE FOR THE TIME BEING. END SUMMARY.

2. THE STANDING COMMITTEE OF THE SUPREME COURT MADE THE FIRST POSTING OF PRESIDENTIAL CANDIDATES ON AUGUST 5, AS PRESCRIBED BY THE ELECTION LAW. ONLY TWO SLATES APPEARED ON THE COURT'S LIST: THE THIEU-HOANG-KHIEM SLATE WITH CERTIFIED ENDORSEMENTS FROM 15 SENATORS, 89 DEPUTIES AND 452 PROVINCIAL AND MUNICIPAL COUNCILMEN; AND THE MINH-MINH-DONG SLATE WITH CERTIFIED ENDORSEMENTS FROM

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DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY Joan Izuber DATE 1/26/82
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16 SENATORS AND 28 DEPUTIES.

3. TWO OTHER SLATES HAD BEEN FILED WITH THE SUPREME COURT. NGUYEN TRAN HAD APPLIED AT THE LAST MOMENT THE PREVIOUS DAY. INSTEAD OF SUBMITTING ENDORSEMENTS HE HADNED IN A STATEMENT BRANDING THE ENDORSEMENT PROVISION OF THE ELECTION LAW AS ILLEGAL. THE COURT DISALLOWED THE SLATE FOR THIS LACK OF ENDORSEMENTS. TRAN WAS NEVER REGARDED AS A SERIOUS CANDIDATE, BUT SOME LOCAL OBSERVERS THOUGHT HE MIGHT HAVE BEEN ENCOURAGED BY THE ADMINISTRATION TO FILE SO THAT KY WOULD NOT STAND OUT AS THE ONLY CANDIDATE TO BE REJECTED. SO FAR AS WE KNOW, THIS IS PURE SPECULATION.

4. WHEN VICE PRESIDENT KY FILED HIS SLATE AT THE COURT HE SUBMITTED 61 PROPERLY CERTIFIED ENDORSEMENTS FROM COUNCILMEN AND 41 ADDITIONAL UNCERTIFIED ENDORSEMENTS, ALL OR MOST OF WHICH HAD BEEN COLLECTED FROM COUNCILMEN WHO HAD PREVIOUSLY SIGNED (AND BEEN CERTIFIED BY PROVINCE CHIEFS AND MAYORS) FOR THE THIEU SLATE. THE COURT ALSO DECLINED TO POST THE KY-LE SLATE FOR FAILURE TO QUALIFY WITH THE NECESSARY NUMBER OF CERTIFIED ENDORSEMENTS PRESCRIBED BY THE ELECTION LAW.

5. IN ANNOUNCING ITS DECISION ON THE SLATES, THE STANDING COMMITTEE OF THE SUPREME COURT POINTED OUT THAT ACCORDING TO THE LAW ITS ACTION ON ANY SLATE WAS SUBJECT TO COMPLAINTS BY INTERESTED PARTIES AND THAT ANY SUCH APPEAL WDULD BE PASSED ON BY THE ENTIRE COURT (NOT JUST THE FOUR-MAN STANDING COMMITTEE).

6. KY HAS NOT YET MADE A PUBLIC STATEMENT ON HIS INTENTIONS, AND THERE ARE CONFLICTING REPORTS ON WHETHER HE WILL DECIDE TO SUBMIT AN OFFICIAL COMPLAINT TO THE COURT. HE MAY SEEK TO BASE AN APPEAL IN PART ON THE PETITION SUBMITTED TO THE COURT ON JULY 30 BY 16 COUNCILMEN WHO HAD SIGNED FOR THIEU (JOINED BY 5 MORE WHO HAD SIGNED FOR KY) REQUESTING THAT THEIR ENDORSEMENTS BE SHIFTED TO KY.

7 KY'S CHANCES OF VALIDATING HIS CANDIDACY HINGE ON WHETHER THE SUPREME COURT WILL DECIDE THAT UNDER CERTAIN CONDITIONS COUNCILMEN MAY BE PERMITTED TO TRANSFER THEIR ENDORSEMENTS FROM ONE CANDIDATE TO ANOTHER. WITH THE PASSING OF THE

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AUGUST 4 DEADLINE FOR FILING. THIS PROCEDURE, ONCE GIVEN A OUTSIDE CHANCE OF ADOPTION, APPEARS MUCH LESS LIKELY AND WOULD BE EVEN MORE DEPENDENT THAN BEFORE ON POSITIVE ACTION BY THE EXECUTIVE TO RELEASE ENDORSEMENTS AND ENCOURAGE THE COURT TO PERMIT THEIR TRANSFER. WITHOUT SUCH ACTION, SALVAGE OF KY'S CANDIDACY WOULD REQUIRE OF THE COURT A BOLD AND INNOVATIVE STEP IT CAN HARDLY BE EXPECTED TO TAKE ON ITS OWN RESPONSIBILITY. BY RELATIVELY CONSERVATIVE ESTIMATE FIVE OF THE NINE SUPREME COURT JUSTICES ARE COUNTED AS PRO-EXECUTIVE.

8. THIEU HAS GIVEN NO INDICATION OF CHANGING HIS ATTITUDE. ONCE HAVING PREEMPTED A LARGE NUMBER OF ENDORSEMENTS IN THE NATIONAL ASSEMBLY AND IN THE PROVINCIAL AND MUNICIPAL COUNCILS, THIEU HAS BEEN ABLE TO SIT BACK AND LET MATTERS TAKE THEIR COURSE. IT WAS VIRTUALLY A MATHEMATICAL CERTAINTY THAT KY COULD NOT BY HIS OWN EFFORTS GET ENOUGH UNCOMMITTED ENDORSEMENTS. THIEU FROM THE OUTSET EVIDENTLY INTENDED TO PRECLUDE KY, AND HE APPEARS NOT TO HAVE CHANGED HIS MIND DESPITE STRONG US REPRESENTATIONS AND RISING PUBLIC CRITICISM. HE AND HIS ADVISERS MAKE NO EFFORT TO CONCEAL THEIR PREFERENCE FOR A TWO-WAY RACE WITH MINH AS THE ONLY CHALLENGER AND PROFESS COMPLETE CONFIDENCE IN MINH'S INTENTION TO REMAIN IN THE CONTEST TO THE END.

9. ELECTION-WATCHERS ARE NOW DEBATING TWO QUESTIONS: FIRST, WHAT WILL KY DO WHEN HIS BID IS FINALLY REJECTED; AND SECOND, THE PERENNIAL, WILL MINH STAY THE COURSE?

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R 071135Z AUG 71
FM AMEMBASSY SAIGON
TO SECSTATE WASHDC 8379
INFO AMEMBASSY BANGKOK
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S E C R E T SECTION 2 OF 2 SAIGON 12598
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10. A MAJOR FEATURE OF THE PRESIDENTIAL ELECTION CAMPAIGN TO DATE HAS BEEN THE STRONG AND SURPRISINGLY PERSISTENT BID MADE BY KY TO ENTER THE RACE. ALTHOUGH HE WAS NEVER GIVEN ANY SERIOUS CHANCE TO WIN THE ELECTION AND DESPITE THE IMMENSE AND PREEMPTIVE HEAD START GAINED FOR THIEU, KY HAS FOUGHT EVERY INCH OF THE WAY AND IN THE PROCESS WON A CONSIDERABLE MEASURE OF PUBLIC SYMPATHY. ALTHOUGH NOW ALMOST CERTAIN TO BE EXCLUDED FROM THE RACE, KY PROBABLY HAS A STRONGER POSITION IN PUBLIC OPINION THAN BEFORE HE STARTED. THE QUESTION IS, WHAT WILL HE DO WITH IT? GIVEN HIS IMPETUOUS NATURE, A VIOLENT REACTION OF SOME SORT -- AN ATTEMPT AT A COUP OR ON THIEU PERSONALLY -- CANNOT BE RULED OUT. IN PUBLIC STATEMENTS ATTACKING THIEU, KY HAS MADE VEILED AND AMBIGUOUS THREATS AND THERE HAVE BEEN MUTTERINGS AMONG HIS ENTOURAGE. BUT WE SEE NO CONVINCING SIGNS OF A VIOLENT REACTION FROM KY AT THE PRESENT TIME AND BELIEVE HIS RESOURCES ARE NOT ADEQUATE FOR A SUCCESSFUL COUP.

11. AN OBVIOUS ALTERNATIVE WOULD BE FOR KY TO JOIN FORCES WITH MINH IN AN ALL-OUT JOINT EFFORT TO DEFEAT THIEU IN THE ELECTION. SOMEWHAT CURIOUSLY, KY HAS REPEATEDLY INSISTED THAT HE WILL NOT THROW HIS SUPPORT TO MINH. THIS STANCE MAY BE DESIGNED TO GIVE SUBSTANCE TO THE THESIS OF THE KY CAMP THAT MINH WILL

WITHDRAW IF KY IS NOT ALLOWED TO RUN. THE THREAT IN TURN SERVES TO INCREASE PRESSURE ON THE UNITED STATES TO INTERVENE AGAINST THIEU. THE POSTURE MAY HAVE A MORE SINISTER PURPOSE: PREVENTED BY THIEU'S PREEMEPTIVE MOVES FROM ENTERING THE RACE, KY MIGHT PREFER TO SEE MINH ALSO WITHDRAW, LEAVING THIEU WITHOUT AN OPPONENT AND THE ELECTION IN SHAMBLES.

12. AS FOR MINH'S INTENTIONS, UPON THE COURT'S INITIAL REJECTION OF KY'S CANDIDACY, MINH ISSUED A STATEMENT AGAIN CASTIGATING THE ADMINISTRATION'S ELECTION TACTICS AND ASSERTING THAT HE WOULD HAVE TO RECONSIDER HIS OWN CANDIDACY. HOWEVER, THE STRESS EVEN AT THAT MOMENT WAS ON ALLEGED ADMINISTRATION MOVES AGAINST MINH SUPPORTERS IN THE CONTEST FOR THE LOWER HOUSE AS WELL AS AGAINST KY'S CANDIDACY. THIS EMPHASIS, ADDED TO SEVERAL OTHER INDICATIONS FROM HIS ENTOURAGE, SUGGESTS THAT MINH HAS NOT YET DECIDED TO WITHDRAW. MORALE AMONG HIS SUPPORTERS IN UNEVEN, SEVERAL DISPLAYING CONSIDERABLE DISCOURAGEMENT AND CALIMING THAT THIEU WILL SURELY WIN BY FAIR MEANS OR FOUL. BUT ON BALANCE, WE ESTIMATE THAT MINH WILL REMAIN THE RACE, AT LEAST FOR A WHILE LONGER, PERHAPS UNTIL HE CAN JUDGE HIS CHANCES MORE CLEARLY FROM THE FAIRNESS AND OUTCOME OF THE LOWER HOUSE ELECTIONS ON AUGUST 29.

13. IN THE EVENT MINH PERSISTS TO THE END, THE PROSPECTS ARE STILL STRONGLY IN FAVOR OF A THIEU VICTORY. IT SEEMS HIGHLY UNLIKELY THAT IN THE EIGHT WEEKS REMAING BEFORE ELECTION DAY MINH CAN DEVELOP THE COUNTRYWIDE ORGANIZATION AND EXPOSURE TO OFFSET THE ADVANTAGES THIEU ENJOYS AS INCUMBENT. THIEU PROBABLY HAS LOST SOME STANDING, AT LEAST TEMPORARILY, FROM THE MANNER OF ELIMINATING KY, BUT THE EFFECT PROBABLY DOES NOT PENETRATE MUCH BEYONG THE URBAND POLITICIZED ELEMENTS FROM WHOM THIEU COULD EXPECT LITTLE SUPORT IN ANY EVENT. MOREOVER, WITH KY OUT OF THE RUNNING, THERE WILL BE LESS COMPLUSION ON THE PART OF THE ADMINISTRATION BACKERS TO EMPLOY QUESTIONABLE MEANS TO GET OUT THE VOTE FOR THIEU.

14. IF MINH SHOULD AFTER ALL DECIDE TO WITHDRAW, THE ELECTION WOULD BECOME VIRTUALLY POINTLESS AND THIEU'S POSITION WOULD BE GRAVELY AFFECTED, ESPECIALLY IN AMERICAN OPINION. THERE IS NO INDICATION THAT THE PALACE IS PLANNING FOR SUCH A CONTINGENCY, BUT ONE POSSIBLE OPTION WOULD BE AN ATTEMPT

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TO CASE THE ELECTION INTO THE FORM OF A POPULAR REFERENDUM ON THIEU AND HIS POLICIES.

15. IN SHORT, KY'S EXPECTED ELIMINATION HAS BROUGHT THE ELECTION CAMPAIGN TO A CRITICAL JUNCTURE. PRESENT ESTIMATES ARE THAT THE CRISIS PROBABLY WILL BE WEATHERED AND THAT MINH WILL REMAIN IN THE RACE AT LEAST FOR THE TIME BEING.

16. THE POLITICAL SITUATION, HOWEVER, WILL PROBABLY REMAIN CHARGED WITH TENSION AS SUCCESSIVE PRESSURE POINTS ARE APPROACHED ON THE ELECTION CALENDAR:

A. AUGUST 13 - DEADLINE FOR FILING COMPAINTS ON QUALIFICATIONS OF CANDIDATES. (IT WILL BE KNOWN BY THEN WHETHER KY HAS DECIDED TO GO THE LAST MILE.)

B. AUGUST 20 - DEADLINE FOR THE SUPREME COURT TO ANNOUNCE ITS DECISION ON COMPLAINTS (AND REVEAL THE FATE OF ANY APPEAL MADE BY KY).

C. AUGUST 24 - DEADLINE FOR SECOND POSTING OF CANDIDATES, AFTER WHICH CANDIDATES CANNOT WITHDRAW THEIR NAMES FROM THE BALLOT (ALTHOUGH MINH HAS SAID HE RESERVES THE RIGHT TO WITHDRAW RIGHT UP TO THE LAST DAY BEFORE THE ELECTION).

D. AUGUST 29 - LOWER HOUSE ELECTIONS.

E. SEPTEMBER 2 - BEGINNING OF OFFICIAL PRESIDENTIAL ELECTION CAMPPAIGN PERIOD.

F. OCTOBER 3 - ELECTION DAY WITH VOTING FROM 0700 TO 1700.

G. OCTOBER 26 - DEADLINE FOR SUPREME COURT TO TAKE FINAL VOTE ON VALIDIDTY OF ELECTIONS AND OF FINAL ELECTION RETURNS.

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